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| 10/750,058 | 12/30/2003 | Vladimir Savchenko | 6570P062 | 9106 |
| 8791 7590 10/15/2009 BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP 1279 OAKMEAD PARKWAY SUNNYVALE, CA 94085-4040 | | | | |
| EXAMINER | | | | |
| HIGA, BRENDAN Y | | | | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/750,058

Applicant(s)

SAVCHENKO ET AL.

Examiner

BRENDAN HIGA

Art Unit

2453

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 June 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 35, 38-43, 46-51 and 54-58 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 35, 38-43 and 46-50 is/are allowed.
- 6) ☒ Claim(s) 51 and 54-58 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

This Office action is in response to Applicant's amendment and request for reconsideration filed on June 16, 2009.

Claims 35, 38-43, 46-51, and 54-58 are pending.

Terminal Disclaimer

The terminal disclaimer filed on July 09, 2009 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of US 7,487,513 has been reviewed and is NOT accepted.

Under 37 CFR §1.32(c)(3) "a power of attorney may only name as representative... ten or fewer patent practitioners, stating the name and registration number of each patent practitioner. Except as provided in paragraph (c)(1) or (c)(2) of this section, the Office will not recognize more than ten patent practitioners as being of record in an application or patent. If a power of attorney names more than ten patent practitioners, such power of attorney must be accompanied by a separate paper indicating which ten patent practitioners named in the power of attorney are to be recognized by the Office as being of record in the application or patent to which the power of attorney is directed."

Here, this application names 83 patent practitioners of record. Thus, in response to this office action Applicant must submit a new terminal disclaimer with a new power of attorney consistent with CFR §1.32(c)(3).

Specification

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01 (o). Correction of the following is required: the term "computer-readable medium" in claims 46-50 was not defined by the applicant's specification. However, Applicant's specification does provide proper antecedent basis for "system-readable medium" on page 58. Thus, the examiner recommends amending claims 46-50 to refer to a "system-readable medium" as opposed to a "computer-readable medium".

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 51 and 54-58 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As per claim 51, the limitations including "means for receiving" (see line 2), "means for specifying" (see line 7), means to selectively expose" (see line 10), "means for unpacking" (see line 14) and "means for deploying" (see line 17) properly invokes 35 U.S.C. 112 6th paragraph. Similarly claim 54 "means for registering" properly invokes 35 U.S.C. 112 6th paragraph.

However, Applicant's specification fails to provide adequate structure that clearly links or associates that structure to the functions recited in claims 51 and 54. Thus claims 51 and 54-58 are being rejected as failing to distinctly claim the subject matter which applicant regards as the invention.

For a computer-implemented means-plus-function claim limitation that invokes 35 U.S.C. 112, sixth paragraph, the corresponding structure is required to be more than simply a general purpose computer or microprocessor (see *Aristocrat Technologies Inc. v. International Game Technology*, 521 F. 3d 1328, 1333, 86 USPQ2d 1385 (Fed.Cir. 1999)). The corresponding structure for a computer-implemented function must include the algorithm as well as the general purpose computer or microprocessor (See *WMS Gaming, Inc. v. International Game Technology*, 184 F. 3d 1339, 51 USPQ2d 1385 (Fed Cir. 1999). The written description of the specification must at least disclose the algorithm that transforms the general purpose microprocessor to a special purpose computer programmed to perform the disclosed algorithm that performs the claimed function (see *Aristocrat*, 521 at 1328, 86 USPQ2d at 1243). Applicant may express the algorithm in any understandable terms including as a mathematical formula, in prose, in a flow chart, or in any other matter that provides sufficient structure (See *Finisar Corp. v. The DIRECTV Group Inc.*, 523 F.3d 1323, 1340, 86 USPQ2d 1609, 1623 (Fed. Cir. 1999). See *MPEP 2181* for examples where the courts held that the corresponding structure is adequate for the computer-implemented means-plus function claim limitations (See e.g., *In re Dossell*, 115 F.3d 942, 946-47, 42 USPQ2d 1881, 1885; *Intel Corp. v. VIA Technologies, Inc.*, 319 F.3d 1357, 1366, 65 USPQ2d 1934, 1941 (Fed.

Cir. 2003)). A rejection under 35 U.S.C. 112, second paragraph, is appropriate if the written description of the specification discloses no corresponding algorithm. (see *Aristocrat*, 521 at 1337-38, 86 USPQ2d at 1243). For example, merely referencing to a general purpose computer with appropriate programming without providing any detailed explanation of the appropriate programming (*Id.* at 1334, 86 USPQ2d at 1240), or simply reciting software without providing some detail about the means to accomplish the function (See *Finisar*, 523 F. 3d at 1340-31, 86 USPQ2d at 1623), would not be an adequate disclosure of the corresponding structure to satisfy the requirement of 35 U.S.C. 112, second paragraph, even when one of ordinary skill in the art is capable of writing the software to convert a general purpose computer to a special purpose computer to perform the claimed function.

The structure disclosed in the written description of the specification is the corresponding structure only if the written description of the specification or the prosecution history clearly links or associates that structure to the function recited in a means-plus-function claim limitation under 35 U.S.C. 112, sixth paragraph (see *B. Braun Medical Inc., v. Abbott Laboratories*, 124 F. 3d 1419, 1424, 43 USPQ2d 1896, 1900 (Fed Cir. 1997)). The requirement that a particular structure be clearly linked with the claimed function in order to qualify as corresponding structure is the *quid pro quo* for the convenience of employing 35 U.S.C. 112, sixth paragraph, and is also supported by the requirement of 35 U.S.C. 112, second paragraph, that an invention must be particularly pointed out and distinctly claimed (see *Medical Instrumentation & Diagnostic Corp.*, 344 F.3d at 1211, 68 USPQ2d at 1268). For a means (or step) plus function

claim limitation that invoke 35 U.S.C. 112, sixth paragraph, a rejection under 35 U.S.C. 112, second paragraph, is appropriate if one of ordinary skill in the art cannot identify what structure, material, or acts disclosed in the written description of the specification perform the claimed function.

In order to overcome the 35 U.S.C. 112, second paragraph, rejection the examiner recommends rewriting claims 51 and 54, to not invoke 35 112, sixth paragraph (i.e. "A web service deployment descriptor having means [[for]] specifying a mapping...", "A first and second virtual interface, each having means [[to]] selectively exposing...", ect.).

Claims 55-58 depend from claims 51 or 54 and rejected under 35 U.S.C. 112, second paragraph, for the same reasons as noted above.

Allowable Subject Matter

Claims 35, 38-43, 46-50 and are allowed.

The following is an examiner's statement of reasons for allowance:

The prior art does not teach nor render obvious a method including: receiving a Web service archive including, *inter alia*, a first and second virtual interface, each to selectively expose a different subset of the Web service operations and the Web service parameters in the Web service implementation, wherein each of the first and second virtual interfaces are publishable as a separate deployed Web service;

unpacking the Web service implementation, the Web service deployment descriptor, and the first and second virtual interfaces from the Web service archive into a directory within the application server; and
deploying each of the first and second virtual interfaces as separately published Web services within the application server based on the mapping specified by the Web service deployment descriptor.

Closest Prior Art:

Williams et al. (US 2003/0055878) teaches a system for packaging web services into an archive file for distribution or deployment on the runtime platform on which the Web service will be based (see ¶0078) and subsequently publishing the web service to a UDDI registry (see ¶0083). However, Williams does not teach nor render obvious wherein the web service archive includes a first and second virtual interface which are deployed as separately published Web services within the application server based on the mapping specified by the Web service deployment descriptor.

Fletcher et al. (US 2003/0055878) teaches a system for creating new web services as aggregations of other services and/or software resources (see abstract and ¶0018). However, Fletcher does not teach nor render obvious receiving a Web service archive including, *inter alia*, a first and second virtual interface, each to selectively expose a different subset of the Web service operations and the Web service parameters in the Web service implementation, wherein each of the first and second

virtual interfaces are publishable as a separate deployed Web service; unpacking the Web service implementation, the Web service deployment descriptor, and the first and second virtual interfaces from the Web service archive into a directory within the application server; and deploying each of the first and second virtual interfaces as separately published Web services within the application server based on the mapping specified by the Web service deployment descriptor.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRENDAN HIGA whose telephone number is (571)272-5823. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on (571)272-6776. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/BRENDAN HIGA/
Examiner, Art Unit 2453

/Liangche A. Wang/
Primary Examiner, Art Unit 2453